

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

2:13-CV-0008-LRS

vs.

Final Order of Forfeiture

\$55,072.29 U.S. FUNDS FROM WELLS
FARGO ACCOUNT #: XXXXX70146,
and,

\$50,000.00 U.S. FUNDS FROM
RIVERBANK ACCOUNT #:
XXXXXX1971,

Defendants.

Plaintiff, United States of America, alleged in an Amended Verified Complaint for Forfeiture In Rem that the Defendant property captioned above is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981. ECF No. 5.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The Defendant property being forfeited is described as follows:

(a) \$55,072.29 U.S. funds seized by FBI pursuant to a seizure warrant, on or about July 24, 2012, from Wells Fargo Bank Checking and Savings Account #: XXXXX70146, held in the name of Shannon L. Stiltner and Gregory D. Jeffreys.

(b) \$50,000.00 U.S. funds seized by FBI, pursuant to a seizure warrant, on or about August 16, 2012, from RiverBank Consumer Money Market Account XXXXX1971, held in the name of Jonathon J. Jeffreys.

1 On January 25, 2013, the United States Marshals Service executed the
2 Amended Warrant of Arrest In Rem. The returned warrant was filed with
3 the Court under the above cause number on May 30, 2013. ECF No. 9.

4 In accordance with Fed. R. Civ. P. Rule G(4)(a)(iv)(C), Supplemental Rules for
5 Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil forfeiture
6 was posted on an official government website www.forfeiture.gov beginning June 1,
7 2013 and running through June 30, 2013. ECF No. 40, 40-1 and 40-2. Based upon
8 the internet publication start date of June 1, 2013, the last date to file a timely claim if
9 direct notice was not received was July 31, 2013.

10 On or about June 26, 2013, SHANNON L. STILTNER was served, via certified
11 mail, return receipt requested, with a copy of the Verified Complaint for Forfeiture In
12 Rem (ECF No. 1), the Order Reassigning Case, (ECF No. 3) the Amended Verified
13 Complaint for Forfeiture In Rem (ECF No. 5), the Amended Warrant of Arrest In
14 Rem (ECF No. 9), and the Praecipe to the Amended Warrant of Arrest In Rem (ECF
15 No. 10), and Notice of Complaint for Forfeiture, at her last known address and in care
16 of attorney John B. McEntire, IV. ECF No. 11 and 11-1. To date, no claim of interest
17 has been received by the United States or filed with the Court, and the time allowed
18 for filing of her claim has expired. On or about August 26, 2015, the United States
19 filed its Notice of Motion for Default, which was served via certified mail upon
20 SHANNON L. STILTNER, at her last known address and via email. ECF No. 37. To
21 date, no response to the Notice of Motion for Default has been received from
22 SHANNON L STILTNER. On February 11, 2016, the United States filed and served
23 its Motion for Entry of Clerk's Order of Default. ECF No. 39. To date, no response
24 or pleading has been received or filed in response to the motion for entry of default.
25 On February 17, 2016, a Clerk's Order of Default was entered against SHANNON L
26 STILTNER. ECF No. 42.

27 On or about June 26, 2013, JONATHAN JEFFREYS was served, via certified
28 mail, return receipt requested, with a copy of the Verified Complaint for Forfeiture In

1 Rem (ECF No. 1), the Order Reassigning Case, (ECF No. 3) the Amended Verified
2 Complaint for Forfeiture In Rem (ECF No. 5), the Amended Warrant of Arrest In
3 Rem (ECF No. 9), and the Praecipe to the Amended Warrant of Arrest In Rem (ECF
4 No. 10), and Notice of Complaint for Forfeiture, at his last known address and in care
5 of attorney Karen Lindholdt. ECF No. 12 and 12-1. An amended certificate of service
6 filed on June 27, 2013, to correct the zip code listed in the previous certificate. ECF
7 No. 15. On July 23, 2013, JONATHON JEFFREYS filed a claim. ECF No. 17. On
8 July 24, 2013, JONATHON JEFFREYS filed an answer. ECF No. 18. On April 29,
9 2015, JONATHON JEFFREYS withdrew his claim. ECF No. 31. On April 30, 2015,
10 the Court entered an Order dismissing his claim. ECF No. 32.

11 On or about June 26, 2013, KIMBERLY JEFFREYS was served, via certified
12 mail, return receipt requested, with a copy of the Verified Complaint for Forfeiture In
13 Rem (ECF No. 1), the Order Reassigning Case, (ECF No. 3) the Amended Verified
14 Complaint for Forfeiture In Rem (ECF No. 5), the Amended Warrant of Arrest In
15 Rem (ECF No. 9), and the Praecipe to the Amended Warrant of Arrest In Rem (ECF
16 No. 10), and Notice of Complaint for Forfeiture, at her last known address and in care
17 of attorney Allen Bentley. ECF No. 13 and 13-1. On July 29, 2014, KIMBERLY
18 JEFFREYS signed a Stipulation for Order of Forfeiture, which was filed herein on
19 February 11, 2016. ECF No. 41.

20 On or about June 26, 2013, GREGORY JEFFREYS was served, via certified
21 mail, return receipt requested, with a copy of the Verified Complaint for Forfeiture In
22 Rem (ECF No. 1), the Order Reassigning Case, (ECF No. 3) the Amended Verified
23 Complaint for Forfeiture In Rem (ECF No. 5), the Amended Warrant of Arrest In
24 Rem (ECF No. 9), and the Praecipe to the Amended Warrant of Arrest In Rem (ECF
25 No. 10), and Notice of Complaint for Forfeiture, at his last known address and in care
26 of attorney Mark E. Vovos. ECF No. 14 and 14-1. On November 11, 2013,
27 GREGORY JEFFREYS entered into a Plea Agreement (ECF No. 403) in which he
28 agreed to the forfeiture of the Defendant Property in the related Eastern District of

1 Washington criminal case *United States v. Gregory D. Jeffreys*, Case No. 2:13-CR-
2 12-RMP. *Id* at 15 - 17. A Preliminary Order of Forfeiture forfeiting his interest in the
3 Defendant Property was entered on May 29, 2014. ECF No. 522. The Preliminary
4 Order of Forfeiture became final as to GREGORY JEFFREYS at his sentencing and
5 included in his judgment. ECF No. 551 and 566.

6 No other timely claims to the Defendant Property have been received or filed
7 with the Court.

8 It appearing to the Court that any and all potential claimant interests in the
9 Defendant property have been resolved as follows:

10 1) On February 17, 2016, a Clerk's Order of Default was entered against
11 SHANNON L STILTNER. ECF No. 42.

12 2) On April 29, 2015, JONATHON JEFFREYS withdrew his claim. ECF
13 No. 31. On April 30, 2015, the Court entered an Order dismissing his claim. ECF
14 No. 32.

15 3) On July 29, 2014, KIMBERLY JEFFREYS signed a Stipulation for
16 Order of Forfeiture, which was filed herein on February 11, 2016. ECF No. 41.

17 4) GREGORY JEFFREYS's interest was forfeited in the related Eastern
18 District of Washington criminal case *United States v. Gregory D. Jeffreys*, Case No.
19 2:13-CR-12-RMP.

20 It also appearing to the Court that no additional timely claims have been made
21 to the Defendant property;

22 On June 15, 2015 the United States filed a Motion for Return of Property. ECF
23 No. 33. On June 16, 2016, the Court entered an Order returning \$25,000.00 to Mark
24 Austerlitz. ECF No. 35. On or about July 14, 2015, the United States Marshal's
25 Service paid \$25,000.00 of the "\$55,072.29 U.S. FUNDS FROM WELLS FARGO
26 ACCOUNT #: XXXXX70146" to Mark Austerlitz pursuant to the order. Therefore,
27 the forfeiture is proceeding against the remaining \$30,072.29 U.S. funds from Wells
28 Fargo Account #: XXXXX70146.

1 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
2 Defendant property described as follows is hereby forfeited to the United States of
3 America, and no right, title, or interest shall exist in any other person.

4 (a) \$30,072.29 of the \$55,072.29 U.S. funds seized by FBI pursuant to
5 a seizure warrant, on or about July 24, 2012, from Wells Fargo Bank
6 Checking and Savings Account #: XXXXX70146, held in the name of
7 Shannon L. Stiltner and Gregory D. Jeffreys.

8 (b) \$50,000.00 U.S. funds seized by FBI, pursuant to a seizure
9 warrant, on or about August 16, 2012, from RiverBank Consumer
10 Money Market Account XXXXXX1971, held in the name of Jonathon
11 J. Jeffreys.

12 IT IS FURTHER ORDERED that the United States Marshals Service shall
13 dispose of the forfeited Defendant property in accordance with law.

14 IT IS FURTHER ORDERED that the United States District Court shall retain
15 jurisdiction in the case for the purpose of enforcing or amending this order.

16 DATED this 21st day of March, 2016.

17 *s/Lonny R. Suko*

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19 LONNY R. SUKO
20 Senior United States District Judge
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